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REMARKS

Claims 12-16 have been currently amended. Claims 1-26 are pending in the application.

Applicant agrees that claims 12-16 are readable on Species II, Fig. 4. Applicant disagrees that claims 1 and 6 are not readable on Fig. 4. Applicant agrees that claims 1 and 6 are readable on Figs. 1-3. If claims 1 and 6 are readable on Fig. 3, then they are also readable on Fig. 4. Fig. 3 shows a seal attached to the bottom portion of a bellows type drain clearing apparatus. Fig. 4 shows a seal attached to the bottom portion of a drain clearing apparatus that may be either a piston type or bellows type. See page 5, lines 6-7 of the specification where it is stated that the numeral 38 in Fig. 4 refers to a drain clearing apparatus that may be either a piston type or bellows type. Therefore, claims 1 and 6 are readable on Fig. 4 and should be examined along with claims 12-16.

Claim 12 has been amended to positively recite a drain clearing apparatus as part of the invention. No new matter has been added.

Claims 12-15 stand rejected as being anticipated by Tash, US 6192525. Claims 12-14 stand rejected as being anticipated by Brown et al., US 4077430. Claims 15 and 16 stand rejected as being unpatentable over Brown et al. in view of Caverley, US 1271853. Insofar as these rejections may be applied to the amended claims, they are respectfully traversed.

With respect to Tash, the examiner has mischaracterized Tash. Figs. 7A and 7B of Tash show a drain clearing plunger 50 comprising a conical pleated bellows 55. The plunger includes three seals 51, 52 and 57 that operate like the three seals 1, 2 and 7 of the first embodiment of Tash. The examiner states that the bellows 55 is a seal. This statement is clearly incorrect. The bellows 55 is compressed and expanded to force air into the drain. Bellows 55 in no way functions or resembles a seal. In addition, the seals 51, 52 and 57 of Tash are clearly not a hollow truncated cone having an external surface with at least one flexible flange disposed thereon. Each of seals 51, 52 and 57 has a different shape, and, whether taken together or separately, none of the seals 51, 52 and 57 of Tash are a hollow truncated cone with at least one flexible flange thereon. Therefore, Tash does not anticipate or render obvious claims 12-15.

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With respect to Brown et al., Brown et al. discloses a seal but no drain clearing apparatus. Therefore, claims 12-14 are not anticipated by Brown et al.

With respect to the combination of Brown et al. and Caverley, Caverley shows a drain clearing apparatus with a seal 8 having grooves 10 and 11. Applicant disagrees with the examiner's characterization of Caverley as showing flanges between the grooves 10 and 11. At best, Caverley shows bumps between the grooves 10 and 11 that are very different from the flexible flanges of the invention. The flexible flanges of the invention bend when inserted in a drain opening and then seal against the interior of the drain in the bent or flexed position. The extremely small radial extent of the bumps of Caverley is clearly insufficient to function like the claimed flexible flanges.

Brown et al. shows a standpipe adapter having seals S1 and S2. Brown et al. do not teach or suggest using the standpipe adapter with a drain clearing apparatus, as claimed. Assuming, for the sake of argument only, that there was some motivation to use the standpipe adapter of Brown et al. with the drain clearing apparatus of Caverley, the combination would not work. Caverley uses a rather complex collar 30 with lugs 31 and 32 passing through slots 28 and 29 to seal the drain at the bottom of the sink. Brown et al., however, use the seal S1 to seal the drain at the bottom of the sink. If the seal S1 of Brown et al. were somehow substituted for the collar 30 of Caverley, there would be no way to keep the standpipe adapter of Brown et al. fixed in the drain opening once water pressure was applied through the hose 13. Therefore, the combination of Caverley and Brown et al. do not result in the invention of claims 12-16.

In light of the above, claims 1, 6 and 12-16 are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the examiner is invited to contact the undersigned attorney at the number shown below.

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Respectfully submitted,

William E. Eshelman

William E. Eshelman

Registration No. 35,865

Date: Nov. 2, 2004

William E. Eshelman

3130 Panhandle Road

Front Royal, VA 22630

(540) 636-6064